

# U.S. Department of Labor

Office of Administrative Law Judges  
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**Issue Date: 26 February 2008**

Case No.: **2008-TLC-00013**

In the Matter of :

**ALEWELT, INC.,**  
Employer

## **ORDER OF DISMISSAL**

This matter arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a) and its implementing regulations found at 20 C.F.R. Part 655, Subpart B. On February 12, 2008, by facsimile, Alewelt, Inc. ["Alewelt"], filed a timely "Request for de Novo Hearing and Notice of Appeal and Request to Submit Additional Information." In it, Alewelt sought an expedited, de novo review of the Department of Labor's February 5, 2008 denial of temporary alien agricultural labor certification (H-2A) for 20 employment opportunities for workers involved in the construction of livestock temperature control facilities (livestock confinement structures). The case was docketed by this office and assigned to the undersigned administrative law judge on February 13, 2008. The Administrative Record was received on February 20, 2007.

On February 19, 2008, the undersigned conducted a telephonic conference call in which counsel for both Alewelt and the Department participated. During the call, the parties agreed to stipulate to the facts of the case and allow the matter to proceed to a hearing conducted on the written record, if feasible. However, later the same day, counsel for the Department contacted the undersigned's law clerk and stated that the parties had reached a dispositive agreement, and a joint motion for dismissal would be forthcoming. On February 20, 2008, the parties jointly filed a Stipulation of Dismissal which stated, in its entirety:

The parties, by their representatives, stipulate that this proceeding be dismissed with prejudice on the following grounds:

1. They concur that the work activity that gave rise to Case No. 2008-TLC-13 is agricultural employment and that Alewelt, Inc. is subject to the requirements for certification as a farm labor contractor.
2. Accordingly, all issues raised by this case have been resolved.

WHEREFORE, the parties respectfully request that Case No. 2008-TLC-13 be dismissed.

As the parties agree that this case presents no issue for resolution, the joint request by the Department of Labor and Alewelt, Inc. for dismissal will be granted. Accordingly,

**ORDER**

**IT IS HEREBY ORDERED** that the joint request by the Department of Labor and Alewelt, Inc. for dismissal is **GRANTED**, and this matter is hereby **DISMISSED**.

**A**

PAMELA LAKES WOOD  
Administrative Law Judge

Washington, D.C.